

Weekly Report – July 13, 2017

Region 1

Hot Issues

Connecticut 2010 SO₂ Transport State Implementation Plan (SIP) to be published

- A Federal Register notice approving Connecticut's transport State Implementation Plan (SIP) for the 2010 SO₂ NAAQS has been signed by the Acting Regional Administrator. This action will be the first approval in the country of a state's transport SIP for SO₂. EPA did not receive any comments on the proposal.

Region 1 leadership will meet with Maine Department of Environmental Protection

- The leadership teams from Region 1 and Maine's Department of Environmental Protection will meet in Portland on July 24 to continue coordination on major issues affecting the state.

Upcoming Public Events

- Region 1's Biology Mobile Lab will be part of an open house on July 14 at the Waterworks Museum in Boston where families can learn about water quality sampling and testing. Up to 500 are expected to attend the open house.
- A brownfields event is scheduled in Berwick, Maine to acknowledge the state's funding recipients on July 24. The Commissioner and Town Manager are expected to attend the event at the former site of Prime Tanning Company which operated as a tanning facility for over 75 years (until 1978). The site is contaminated with polycyclic aromatic hydrocarbons.
- A brownfields event is scheduled in Chicopee, Massachusetts on July 27 to acknowledge funding recipients in western Massachusetts. Rivermills Redevelopment, the former site of Uniroyal Tire, contains mercury, PCBs, and other hazardous substances. Grant funds will be used to conduct community outreach, cleanup planning activities, and air monitoring following completion of the cleanup. The Mayor of Chicopee and a state representative are expected to attend.
- The Pease Air Force Base Restoration Advisory Board will meet in Portsmouth, New Hampshire on July 26 to discuss ongoing environmental restoration of the base site. The meetings include an open forum where the public can interface with the Air Force, NH Department of Environmental Services, and EPA.

Upcoming Major Decisions

None this week.

Highlights from Last Week

- The Acting Regional Administrator announced \$800,000 in brownfields funds to help clean up, assess and re-use contaminated properties on July 11th in Rhode Island. The Announcement was held at the former Island Machine Company Mill in Woonsocket. The facility was previously used for wheel, carriage and harness manufacturing as well as serving as a wood and tin shop. Contaminants there include heavy metals, inorganic contaminants and polycyclic aromatic hydrocarbons. A former rubber mill also received grant funding and the City of Providence received an area wide planning grant for the Woonasquatucket River Industrial Corridor. Representatives from the cities of Woonsocket and Providence were in attendance, as was Rhode Island's Director of Environmental Management.
- A public tour was held on July 12 at several sites within the General Electric Housatonic Superfund site. The locations included sites where work is underway or remediation is complete. Sites included Pittsfield, Lenox and Lee, MA.

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Region 2

Upcoming Hot Issues and Important Deadlines

- Pace Environmental Litigation Clinic Notice of Intent (NOI) to Sue. As previously reported, the NOI asserts that EPA failed to act on deficient New York State Water Quality Standards. Region 2 has initiated discussions with NY and with OW; a briefing of EPA HQ decision-makers is planned for 7/28. On 7/19, EPA and New York will discuss any remaining concerns; we expect to be able to come to a mutually agreeable path forward.

Upcoming Public Events

- Hudson River Five Year Review Public Meetings: The second public meeting will be on 7/19 in Saratoga Springs, NY. A third public meeting is being planned for the week of 8/7 in New York City at the request of stakeholders and anticipated requests from Senators Schumer and Gillibrand.
- Planning begins for annual Superfund Tour with Rep. Frelinghuysen. The Congressman has for many years conducted an annual tour of Superfund sites in his district. Along with staff from EPA and NJDEP, he invites local elected officials, concerned citizens, and press. During these tours, Rep. Frelinghuysen has often expressed support for the Superfund program and been complimentary of EPA's work. The tours have typically received favorable local press coverage. The tour for this year is tentatively scheduled for Sept. 19; Acting RA Catherine McCabe is expected to participate.

Past Week Accomplishments

- Two Consent Decrees (CDs) entered on 7/10 in CERCLA cost recovery action at NL Industries Depew Plant Site, Erie County, NY. The site was the subject of phased removal activities by EPA to address lead-contaminated soils. One CD is with NL Industries; the second is with five other PRPs (ACF Industries; American Premier Underwriters; DII Industries; Exide Technologies; and Gould Electronics). Under the two CDs EPA will recover about \$4.9 million, plus interest. Earlier this year, the court declined to enter the CDs and requested further briefing on the merits of the settlements. After the briefing the court approved the CDs, finding them to be fair, both procedurally and substantively.
- CERCLA cost recovery complaint filed on 7/7 regarding the Frankfort Asbestos Site (NY). EPA seeks about \$2.6 million. The defendant is Cross Nicastro, the site owner. The site is a 1.75-acre portion of a 192-acre former dairy farm, on which was a 10,000-16,000 cubic yard pile of pulverized construction and demolition debris that included asbestos-containing material (ACM), lead, and semi-volatile organic compounds. The material in the pile was illegally disposed of at the site in 2006. In 2007, EPA took an interim action to stabilize the site, placing a non-permanent cap on the illegally disposed material. After criminal convictions of six persons, including the defendant, and unsuccessful efforts to get all the PRPs at the Site to perform a more permanent action, in 2013 EPA initiated a removal action to address the deteriorating condition of the temporary cap. EPA excavated the ACM and disposed of it at an approved facility, and restored the site. EPA incurred about \$3.6 million in response costs; the criminal convictions yielded about \$1 million in restitution paid to

EPA, leaving us with a \$2.6 million claim.

- Region 2 discussion with St. Regis Mohawk Tribe (SRMT) regarding FY-18 Performance Partnership Grant (PPG). The SRMT's Environment Division FY-18 planning process is underway and it is preparing its budget proposal for submittal to its Tribal Council by 7/28. On 7/12 staff from multiple Region 2 offices held discussions with SRMT staff concerning planning for EPA's grants under CAA §105, CWA §319, Indian Environmental General Assistance Program, Pesticides, and Brownfields programs.

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Region 3

Hot Issues

Region 3 Meets with Philadelphia Health Commissioner and Pennsylvania Department of Environmental Protection (PADEP) on Lead Concerns

The Philadelphia Commissioner of the Health Department invited both EPA and PADEP to join them in a discussion regarding the concerns they have regarding lead and soil and the associated health exposure risk. The three agencies met on July 13, 2017. ATSDR also joined the conversation.

The Health Commissioner is also meeting with local civic leaders on Monday, July 17, 2017 to discuss the City's data and outreach efforts. EPA has been asked to participate in this discussion. In addition, the communities living in the Riverwards section of the City have united and are hoping to provide education and information to local families at a panel discussion scheduled for July 25, 2017. EPA, ATSDR, and the City of Philadelphia have been asked to participate on the panel in addition to a leading physician from CHOP. The Region conveyed this request to OPA and is currently awaiting a response before participating.

Update on Willow Grove Naval Air Station, Horsham, Pennsylvania

On June 30, 2017, the U.S. Navy submitted an Engineering Evaluation/Cost Analysis (EE/CA) for a Non-Time-Critical Removal Action for the Willow Grove Naval Air Station located in Horsham, Pennsylvania. The EE/CA assesses options to mitigate public exposure to two per- and polyfluorooalkyl substances (PFAS) above lifetime health advisory levels, *perfluorooctanoic acid* (PFOA) and *perfluorooctyl sulfonate* (PFOS) in drinking water. Removal action objectives were developed for the protection of human health via ingestion of drinking water impacted with PFOA and PFOS. The option recommended is treatment for impacted supply wells. This alternative addresses the direct exposure risk, reduces the contaminants through treatment systems at Horsham Water and Sewer Authority municipal wells, and eliminates reliance on an alternative water supply.

Court Approves Multi-Regional Settlement Agreement in Mission Insurance Receivership Action for Payment of Over \$19 Million for Franklin Smelting, Franklin Slag and Safety Light Sites.

By order dated June 22, 2017, the Mission Liquidation Court (in *Insurance Commissioner of the State of Calif. v. Mission Insurance Company, et al.*, Case Nos. C 572 724 (Cal. Super. Ct.)) approved a settlement between the Insurance Commissioner of the State of California, in his capacity as the Trustee of the Mission Insurance Company Trust and Mission National Insurance Company Trust, and the United States concerning the Mission companies' insureds' CERCLA liability at the Franklin Smelting Site and the Franklin Slag Pile Superfund Site, adjacent sites located in Philadelphia, Pennsylvania, and the Safety Light Corporation Superfund Site, located in Bloomsburg, Pennsylvania. This agreement will fund Superfund cleanup actions for

contamination at the Franklin Slag Site (with estimated costs potentially exceeding \$24 million), and at the Safety Light Site (with estimated costs of at least \$128 million). The agreement also settles claims involving two Mission insureds at two Sites in Region 10, with NOAA and DOI involvement. This is a direct implementation claim for the federal government which arises under the state receivership statute and the Federal Priorities Act.

The agreement provides for a total payment of \$28.6 Million. With respect to Region III's claims, the agreement requires the Mission Trusts to make the following payments out of the \$28.6 Million: a total payment of \$11,914,658.58 with respect to the liability under Section 107 of CERCLA of Mission insureds, Franklin Smelting and Refining Company and related entities, at the Franklin Sites, and, \$7,113,598.90 with respect to the liability under Section 107 of CERCLA of Mission insureds, United States Radium Corporation and USR Industries, Inc., at the Safety Light Site. The agreement is subject to a 70-day appeal period.

Region III and Felman Production LLC, Enter into a Clean Air Act Administrative Consent Order to Bring Letart, West Virginia Facility into Compliance with Revised Hazardous Air Pollutant Rule [Docket No: CAA-03-2017-0178DA] On July 10, 2017, the Acting Director of the Air Protection Division signed an administrative order by consent with Felman Production, LLC (Felman) to address alleged violations of provisions of the Ferroalloy MACT regulating manganese and other air pollutants identified as being hazardous to human health or the environment emitted as fugitives at Felman's silicomanganese production facility located at 4442 Graham Station Road in Letart, West Virginia. The Order requires Felman to install and operate a roofline ventilation system in the Facility's shop building; prepare, submit and operate pursuant to a shop building process fugitive ventilation fugitive ventilation plan; make improvements to increase the capture of fugitive emissions associated with Furnace No.2 operations, and to demonstrate compliance with the emissions standards for process fugitive emissions set forth in the Ferroalloy MACT by June 30, 2018. Though unable to enter into an agreement with Felman since it has not received delegation of the Ferroalloy MACT at issue, West Virginia is aware of Felman's compliance issues, has been informed of this action and has raised no objection.

VADEQ Requests Advanced Inspector Training In Richmond, Virginia – Region 3 staff received a request this week from the VADEQ's Training Coordinator, for a delivery of an Advanced Inspector Training class later this calendar year. The class will be delivered in Richmond, Virginia at VADEQ's Headquarters office probably in about November or December 2017. Advanced inspector training is intended for inspectors with at least 3 years of inspection experience, and covers the more advanced inspector topics and issues. All federal, state and local inspectors in Region 3 will be invited to the class, which has a maximum capacity of 40 students.

Upcoming Public Events

None to report this upcoming week.

Past Events

Acting RA Rodrigues Signed a Maryland SIP

The SIP was signed on July 11, 2017. It was a revision removing a state technical memorandum that is superseded by COMAR 26.11.01.11, which refers to the Continuous Emission Monitoring Requirements. EPA approved of the submittal and revision to the MD SIP.

EPA and MDE Discuss EJ Issues & CAFO Permitting – On June 29th, 2017, members of OECEJ and MDE's CAFO group met to discuss issues of environmental justice concern as they relate to the permitting of combined animal feeding operations (CAFOs). MDE requested the meeting to discuss the use of EJSCREEN prior to issuing a permit and well as EPA's Environmental Justice Permitting Initiative. Specifically, MDE was seeking guidance on the use of EJSCREEN as it relates to selecting distance of buffers, the definition of low-income and comparisons of the EJ Indexes at State, EPA regions and National levels. Maryland's Eastern Shore is home to over 500 CAFOs and more permit applications have been recently received. MDE is considering additional outreach strategies such as the translation of permit documents and BMPs such as increased monitoring and reporting as part of the permit requirements, especially if those permits are in areas of potential EJ concern.

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Region 4

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL

Key Message: Chemours (formerly DuPont) manufactures the chemical GenX, a processing aid that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). The free acid GenX precursor chemical has been found in the Wilmington, NC, drinking water system.

- **(Update)** On July 6, 2017, EPA participated in a call between EPA Region 4, OCSPP, and the State of North Carolina to discuss information and approaches to assess the risk associated with exposure to GenX and other fluorinated chemicals also found in the Cape Fear River (the state expects to update its health advisory the week of July 11, 2017).
- **(Update)** In a July 11, 2017, press release, the Cape Fear Public Utility Authority (CFPUA) reported that on June 26, 2017, it began sampling raw and finished water at Wilmington, NC's, Sweeney Water Treatment Plant three days per week to test for GenX and that the first set of results (taken June 26-July 5, 2017) indicate levels of GenX are below the current NC Department of Health's provisional health screening value of 70,909 parts per trillion (ppt). Additional sampling results will be available later in the week.
- **(Update)** The State plans to do two more weeks of sampling (same locations) and Chemours will pay for analysis at Test America. The planned sampling schedule is: Fayetteville area – Monday July 17 and July 24, 2017; and Wilmington area – July 20 and July 27, 2017. EPA's Office of Research and Development has agreed to perform analysis on samples split with the State.
- **(Update)** EPA has received multiple FOIA requests related to GenX. EPA's Office of Chemical Safety and Pollution Prevention is coordinating EPA's response with input from Region 4.

Oak Ridge Reservation (U.S. Department of Energy, Oak Ridge, TN)

Key Message: On June 8, 2017, the Department of Energy Oak Ridge Reservation initiated formal dispute at the Regional Division Director level (Dispute Resolution Committee or DRC) contending that the Remedial Investigation/Feasibility Study (RI/FS-D5) should be finalized and the draft Proposed Plan for the Environmental Management Disposal Facility (EMDF) based on that RI/FS should be reviewed and released for public comment. The dispute was not resolved at the DRC level and has been elevated to the Regional Administrator's level (Senior Executive Committee or SEC).

- EPA does not believe that the RI/FS adequately demonstrates that the proposed alternatives are protective of human health and the environment and that it does not provide the necessary

technical information to determine whether applicable or relevant and appropriate requirements related to siting the landfill are met or can be waived.

- The Tennessee Department of Environment & Conservation has raised two additional issues, requesting that characterization data be collected and radiological modeling be conducted to establish waste acceptance criteria.
- An SEC meeting is scheduled for July 27, 2017.

Alabama Triennial Approval

Key Message: Region 4 is ready to approve the Alabama water quality standards triennial review package. The package includes the following major revisions:

- Increased State's recreational season by one month at the beginning and end so that it now runs from May to October. This change will allow Alabama to apply more protective bacteria criteria to recreational waters during this period.
- Added bacteria criteria for shellfish harvesting waters to provide additional protection for shellfish consumers.
- Revised the chlorophyll criteria for West Point Lake to be consistent with the criteria adopted by Georgia.
- Upgraded the designated use of Swan Creek from Agricultural and Industrial to Fish and Wildlife. This revision allows Alabama to apply more protective criteria to this creek and to meet the goals of the Clean Water Act.

Upcoming Public Events

Henry's Knob Superfund Site (Clover, SC)

August 8, 2017 – EPA will host a community public meeting to provide an update on the status of the Non-Time Critical Removal Action wellhead treatment systems, groundwater monitoring program, continued measures to address re-vegetative storm water controls, dam rehabilitation, and the Site's selection for the Regional Site Reuse Award.

Ore Knob Mine Superfund Site (Ashe County, NC)

On August 10, 2017, a public meeting has been scheduled to address community questions regarding the waterline extension project.

International Assistance Request Hazardous Waste Investigation Course (Chile)

EPA staff will travel to Chile August 22 – 24, 2017, as part of EPA's international assistance program related to the Central America Free Trade Agreement to provide training on the management of hazardous wastes and technical investigations of chemical and hydrocarbon contamination. The trip will be funded through Office of International and Tribal Affairs' interagency agreement with the U.S. State Department.

Upcoming Major Decisions

None

Last Week Highlights

None

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Region 5

HOT ISSUES:

Residential Soil Cleanup to Begin in Chicago's Heart of Chicago Neighborhood the Week of July 17

Key Message: Region 5 will be conducting limited residential cleanup of lead contaminated soils in the Heart of Chicago neighborhood.

This cleanup will remove lead-contaminated soil from 21 residential yards. Workers will remove contaminated dirt in the yards and gardens of homes with lead in surface soil greater than 400 parts per million. The soil will be disposed of at a permitted disposal facility and yards will be filled with clean soil and restored to their original condition as much as possible.

EPA discovered lead contamination in Chicago's Heart of Chicago neighborhood in 2013 while attempting to establish background concentrations for the adjacent Pilsen Lead site. EPA could not determine the source of the industrial lead contamination found in the residential yards. EPA is working with state, local and community groups in educating the public. More information can be found [here](#).

Ohio Amends State Law to Reinstate TMDLs and Establish Procedures and Protections for Future TMDL Development

Key Message: Amendments to Ohio's Revised Code reinstate all of the TMDLs that were invalidated in 2015 by the Ohio Supreme Court, which said TMDLs are subject to state rulemaking requirements, and establish new procedures for future TMDL development by the state.

On March 24, 2015, the Supreme Court of Ohio determined that "A TMDL established by Ohio EPA pursuant to the Clean Water Act is a rule that is subject to the requirements of R.C. Chapter 119, the Ohio Administrative Procedure Act. Ohio EPA must follow the rulemaking procedure in R.C. Chapter 119 before submitting a TMDL to U.S. EPA for its approval and before the TMDL may be implemented in an NPDES permit." *Fairfield County Board of Commissioners. v. Nally*, 143 Ohio St. 3d 93, 2015-Ohio-991. Because none of Ohio's TMDLs had been adopted as rules, the effect of the ruling was to invalidate all of the previously approved TMDLs.

Amendments to Sections 6111.561-564 of the Ohio Revised Code reinstate all TMDLs developed by Ohio EPA and approved by U.S. EPA prior to the ruling in *Fairfield County*. Furthermore, the amendments make clear that future TMDLs are not subject to rulemaking; are not final agency actions; and do not have the force and effect of law. The amendments provide due process protections with multiple points where notice and comment procedures apply as well as an opportunity for NPDES permit holders to challenge a final TMDL during an appeal of an NPDES permit containing a TMDL-based effluent limit, pretreatment limit derived therefrom, or other terms and conditions based on the TMDL.

UPCOMING EVENTS:

Region 5 to Host East Chicago Community Meeting on July 15, 2017

Key Message: The July 15 meeting will be the second in a series of monthly community meetings for residents of the USS Leas Superfund site.

In coordination with IDEM, it was determined that the focus of Saturday's meeting will be to provide the residents with a site update as well as a high-level overview of water systems and treatment processes. The next meeting, set to take place in mid-August, will be attended by both EPA and IDEM and provide more in-depth coverage of East Chicago's drinking water status. Region 5 personnel, as well as Senior Advisor Albert Kelly and Deputy Assistant Administrator of OLEM Patrick Davis, will be available to field questions from community members.

These meetings fall under the purview of the Administrator's East Chicago Customer Service Plan. Through that plan, Region 5 committed to hosting community meetings one Saturday every month in order to further engage community members and ensure sufficient dissemination of information to residents.

Regional Working Group Meeting to be Held in Chicago on July 18 and 19, 2017

Key Message: Great Lakes National Program Office will host the in-person meeting, which will be attended by federal agencies with programmatic responsibilities surrounding the Great Lakes.

On July 18 and 19, 2017, GLNPO will host an in-person Regional Working Group (RWG) meeting in Chicago to discuss planning and budgeting issues related to the Great Lakes Restoration Initiative. Specifically, the RWG will hear and discuss feedback from the Great Lakes Advisory Board on the development of Action Plan III; finalize the draft FY19 budget framework; and discuss a variety of overarching policy and administrative issues.

In 2004, Executive Order 13340 created a Great Lakes RWG, composed of the regional administrators or directors with programmatic responsibility for the Great Lakes in various federal agencies, including EPA, the U.S. Fish and Wildlife Service, the National Park Service, the U.S. Geological Survey, the Forest Service, the National Oceanic and Atmospheric Administration, and others. The purpose of the working group is to coordinate and make recommendations on how to implement the policies of the "Great Lakes Interagency Task Force," a cabinet-level organization also created by the executive order. The task force was created to establish a process for collaboration among the task force members and the members of the working group along with Canada, the Great Lakes states, local communities, tribes, regional bodies, and other organizations on policies, strategies, and projects for the Great Lakes system. Coordinating the efforts of the working group and the task force is EPA's Great Lakes National Program Office, the manager of which serves as the chair of the working group.

UPCOMING MAJOR DECISIONS

NONE

PAST WEEK ACCOMPLISHMENTS:

Environmental Appeals Board Denied Archer Daniel Midland Permit Appeal

Key Message: On June 29, 2017, the Environmental Appeals Board denied an appeal to EPA's Underground Injection Control Class VI injection permit modification issued to Archer Daniels Midland Co.

On June 29, 2017, the Environmental Appeals Board (EAB) issued an Order which dismissed a citizen petitioner's appeal of the permit EPA issued to Archer Daniel Midland (ADM) on January 19, 2017. Under the terms of the now-final modified permit, ADM is authorized to inject and geologically sequester up to 5.5 million metric tons of carbon dioxide using the well near Decatur, Illinois.

EPA issued ADM an original permit for the well in 2014. Based on information developed during its work preparing the well for injection, in 2016, ADM applied for a permit modification. After receiving and responding to public comment, EPA issued the modification. The petitioner appealed the modification on procedural grounds. After reviewing briefs filed by the petitioner, EPA and ADM, the EAB found that nothing raised by the petitioner warranted review of the permit modification and dismissed the appeal.

Carp Monitoring Concludes with No Additional Findings

Key Message: After the June 22 Asian carp finding, a two-week intensive monitoring program was initiated and resulted in no additional carp findings.

No silver or bighead Asian carp were seen or captured during two weeks of intensive monitoring conducted by commercial fishers below the T.J. O'Brien Lock and Dam. The monitoring was triggered by the capture of an adult male silver carp nine miles from Lake Michigan on June 22. This was the first time a silver carp had been found above the U.S. Army Corps of Engineers (USACE) electric barriers. The silver carp capture triggered the Asian Carp Regional Coordinating Committee's Contingency Response Plan. As part of the coordinated contingency response, crews from the U.S. Fish and Wildlife Service (USFWS), USACE, Illinois Department of Natural Resources (IDNR), and contracted commercial fishers conducted the monitoring operation. Four electrofishing crews, three contracted commercial fishers, and a specially outfitted netting boat were deployed daily below the T.J. O'Brien Lock and Dam, in Lake Calumet, and in an area from the T.J. O'Brien Lock and Dam to Calumet Harbor. The monitoring operation covered a 13-mile section of the waterway and Calumet Harbor. The field portion of the operation exceeded 1,950 person-hours. In addition, commercial fishers working with IDNR biologists set more than 43 miles of gill net, while crews with IDNR, USACE and USFWS conducted 365 electro-fishing runs for a total of more than 91 hours of effort.

The Asian Carp Regional Coordinating Committee (ACRCC) is a collaboration of 27 U.S. and Canadian federal, state, provincial, and local agencies and organizations with the mission of preventing the introduction and establishment of Asian carp in the Great Lakes. Although EPA, along with the USFWS, is co-chair of the ACRCC, the Agency's role is primarily one of facilitating coordination and communication between the partners. Because the fish was caught within the waters of the state of Illinois, IDNR was the lead responding agency, with field

support from the USACE and the USFWS. The ACRCC receives funding through the Great Lakes Restoration Initiative (\$17 million in FY2017).

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Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

Denka, LaPlace, Louisiana

On July 13, a meeting was held to brief local elected officials regarding chloroprene concentrations and Denka's progress in reducing emissions in LaPlace, Louisiana. EPA Region 6, ORD and OAQPS joined LDEQ and Saint John the Baptist Parish President for the meeting.

We agreed to continue air monitoring and working with the facility to reduce Chloroprene levels.

Arkansas 303d Approval

EPA is taking long-anticipate action to approve Arkansas listings of impaired waters. EPA is approving Arkansas 303(d) lists from 2010, 2012, 2014, and 2016. As a result of this action, 76% of water bodies impaired in 2008 are no longer showing impairments, a total of 335 waters that are now meeting Arkansas Water Quality Standards.

Bird Creek Update

Sampling of all surface water bodies was completed last week. Samples were sent by chain of custody to the Houston Laboratory for analysis. Data was also downloaded from the 18 surface water monitors, which were put in place to detect any changes in total dissolved solids during the time injection wells were shut-in. Analytical results are pending from the Houston Lab. The UIC program is developing a comprehensive overarching long term plan which will be finalized in the near future.

Tar Creek Superfund Site is

The office of Research and Development along with the EPA Groundwater, Wetlands, and Ecosystems Restoration Division (GWERD/ADA) are planning to conduct a field study during the week of July 17 along a portion of Tar Creek to assess ground water seepage flux. This will assess the magnitude and direction of seepage between groundwater and surface water in this area as well as the general water quality characteristics of shallow groundwater. These data will provide additional information to determine any future design and/or remediation work in the area.

Action to Approve Decision Memo for The Quapaw Tribe of Oklahoma's Treatment as a State (TAS) Application Notification

After receiving no comments on this proposed application, EPA is drafting an approval while also coordinating with Region 7. The Quapaw Tribe of Oklahoma has applied for Treatment as a State (TAS) for Clean Air Act (CAA) authority on Tribal lands in Oklahoma and Kansas. The Tribe seeks authority for the following non-regulatory programs:

- * CAA §105 – allows Tribe to apply for funding at a reduced match of 5%
- * CAA §107(d)(3) – EPA notice to Tribe for re-designation process participation
- * CAA §126 (a) & (b) – State notice to Tribe of new or modified sources; ability to petition
- * CAA §505(a)(2) – State notice to Tribe of certain operating permits within 50 miles

Clean Harbors PCBs Storage Approval: Clean Harbors, La Porte, Texas

EPA will approve final re-authorization to Clean Harbors, La Porte, Texas, for the commercial storage of liquid and solid PCBs. A proposed approval was issued with a public notice in the Houston Chronicle which opened a 45-day comment period during which requests could be made for a Public Hearing. No comments were received during the comment period, therefore, Clean Harbors will be approved to store up to 196 55-gallon drums or its equivalent.

RCRA 3007 Information Request

EPA will issue a formal 3007 Information Request to the owner/operator of 100 Industrial Park Road in Trinity Texas pursuant to the Resource Conservation and Recovery Act ("RCRA").

During the Agency's attempt to solve hazardous waste disposal issues identified through the data mining efforts, the EPA was informed of a divestment of interest at this location by attorneys representing Baker Hughes and the proceedings were halted after two years of effort. EPA Region 6 has decided to gather information in preparation of the drafting of a complaint against the facility for violation of multiple RCRA regulations. The facility located at 100 Industrial Park Road, Texas may have recently changed ownership. The state is aware of the OTC letter previously issued to Baker Hughes and has been informed of the 3007 request.

RCRA 3007 Information Request

EPA plans to issue a formal 3007 Information Request to the owner/operator of 11211 FM 2920 Road Tomball Texas pursuant to the Resource Conservation and Recovery Act ("RCRA"). During the Agency's attempt to solve hazardous waste disposal issues identified through the data mining efforts, the EPA was informed of a divestment of interest at this location by attorneys representing Baker Hughes and the proceedings were halted after two years of effort. EPA Region 6 has decided to gather information and prepare drafting of a complaint against the facility for violation of multiple RCRA regulations. Tefacility located at 11211 FM 2920, Tomball, Texas may have recently changed ownership. The state is aware of the OTC letter previously issued to Baker Hughes and has been informed of the 3007 request.

CWA Compliance Evaluation Inspections in the State of Oklahoma

EPA will perform up to five Compliance Evaluation Industrial Inspections at Surface Mines located near Poteau, Oklahoma as a part of the federal National Enforcement Institute Inspection Priorities Program at non-wastewater treatment plant NPDES permitted facilities in Region 6.

Inspectors from the Oklahoma Department of Mines have been invited to attend the inspections and the Oklahoma Department of Environmental Quality has been notified of EPA's planned activities.

CAA Title V Inspections at El Paso Natural Gas and Trans Western Laguna Pueblo Compressor Stations, Albuquerque, New Mexico

EPA will conduct Clean Air Act (CAA) National Emission Standards for Hazardous Air Pollutants (NESHAP) inspections at El Paso Natural Gas and Trans Western Laguna Pueblo Compress Stations, Albuquerque, New Mexico to determine compliance with the CAA NESHAP and 40 CFR Part 63 Subpart ZZZZ requirements. The inspections will focus on compliance with the NESHAP requirements and the New Mexico Environmental Department (NMED) has been invited to attend. However, since these facilities are located on Tribal land.

Intent to Public Notice Proposed CAFO to Rebel Producing, LLC

A public notice will be posted soliciting comments for 30 days on a proposed administrative penalty against Respondent, Rebel Producing. US EPA Docket No. CWA-06-2017-1703 proposes to assess an administrative penalty of \$1,600.00 and includes a Supplemental Environmental Project for violations of Section 301 of the Clean Water Act, 33 U.S.C. SS1311.

The proposed Consent Agreement and Final Order alleges that Rebel Producing, LLC discharged produced water into or upon the navigable waters of the United States in a quantity that has been determined may be harmful.

Intent to Public Notice of Consent Agreement and Final Order with East Texas Salt Water Disposal Company, Gregg County, Texas

A public notice will be posted for 30 days soliciting comments on a proposed administrative penalty against Respondent, East Texas Salt Water Disposal Company. US EPA Docket No. CWA-06-2016-1820 proposes to assess an administrative penalty of \$10,000.00. The proposed Consent Agreement and Final Order alleges that East Texas Salt Water Disposal Company discharged produced water into or upon the navigable waters of the United States in a quantity that has been determined may be harmful.

Intent to Public Notice Consent Agreement and Final Order with Jamie Oil, Inc., Union County, Arkansas

A public notice will be posted soliciting comments for 30 days on a proposed administrative penalty against Respondent, Jamie Oil. US EPA Docket No. CWA-06-2016-1814 proposes to assess an administrative penalty of \$4,000.00. The proposed Consent Agreement and Final Order alleges that Jamie Oil, Inc. discharged produced water into or upon the navigable waters of the United States in a quantity that has been determined may be harmful.

Intent to Public Notice of Proposed Administrative Order with Diamond 3S

A public notice will be posted soliciting comments for 30 days on a proposed Administrative Order against Respondent, Diamond 3S. US EPA Docket No. SDWA-06-2017-1106 requires the Respondent to perform corrective actions to prevent contaminated fluids from moving through the well bore into the USDWs and to come into compliance with 40 C.F.R.

§§ 147.2903(b) and 147.2916. The proposed Administrative Order alleges that the Respondent maintained an injection well in a manner that could allow for fluids containing contaminants to move through the well bore into underground sources of drinking water. The injection well is known as the Kennedy No. 5 and is located on the Osage Mineral Reserve in Osage County, Oklahoma.

FOIA

EPA-R6-2017-008762, Sierra Club – Tony Mendoza, Copies of documents relating to Clean Air Act's Regional Haze requirements for Arkansas.

UPCOMING PUBLIC EVENTS

July 27-28 – Children’s Health Symposium at University of Texas at El Paso, Texas. EPA is sponsoring the event.

August 3 – Texas Environmental Law Superconference, Austin, Texas. Acting RA will keynote.

August 8 – State Environmental Directors’ Meeting, Dallas, Texas (Tentative)

September 11–13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.

September 12-14 – US Mexico Border National Coordinator Meeting, Mexico City, Mexico

September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting RA will keynote.

UPCOMING DECISIONS

Arkansas Regional Haze

Arkansas proposed its SIP addressing a portion of the Regional Haze requirements on July 12, 2017. On July 13, 2017, EPA’s FIP revision was published in the Federal Register. This revision extends the NO_x compliance dates by 21 months to January 27, 2020. The extension was requested by industry to provide them certainty that they have time to work with EPA and the State on a Regional Haze SIP without the compliance clock running down. EPA continues to track the CSAPR remand action as the Arkansas Regional Haze SIP depends on the NO_x CSAPR for BART. EPA also continues to work with the state to address these requirements and intends to act expeditiously.

Texas Regional Haze

EPA (Region 6) and TCEQ met this week with BART eligible industry to discuss a state intra-state trading program. This concept is getting good traction and will likely develop into a SIP submittal in 2018. We are no longer planning to incorporate the trading program into a FIP and are now assessing how to move a SIP forward by September 9. EPA has a September 9 CD deadline that requires EPA to finalize a plan.

PAST WEEK ACCOMPLISHMENTS

Texas State Implementation Plan - Reasonably Available Control Technology (RACT) for the 2008 8-Hour Ozone National Ambient Air Quality Standard

Region 6 proposed the conditional approval of revisions to the Texas SIP addressing NO_x RACT for the Martin Marietta cement manufacturing plant in Ellis County; fully approve revisions to

the Texas SIP addressing NO_x RACT for all other affected sources in the ten county DFW 2008 8-Hour ozone nonattainment area; and approve a finding that there are no emission sources in certain categories for the DFW 2008 8-Hour ozone nonattainment area.

PENDING ACTIONS (Pending Federal Register Publication)

- Clean Air Act Operating Permit; Petition for Objection to State Operating Permit for Bunge North America, Inc. Destrehan Grain Elevator (9963-99-Region6)
- Approval and Promulgation ; Texas; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standard (9964-11-Region6)
- Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance - Class I Hazardous Waste Injection; Vopak Logistics Services USA Inc. Deer Park, Texas (9964-92-Region6)

Weekly Report – July 13, 2017

Region 7

Hot Issues

4-State Directors Meeting

Key Message: On July 11 and 12, 2017, R7 participated in a 4-state Directors meeting in Lawrence, Kansas to allow State and Regional agencies to exchange their successes and challenges.

- Special guests for the meeting included Ken Wagner, Sr. Advisor to the Administrator for Regional and State Affairs, and Dr. Richard Yamada Deputy Assistant Administrator for the Office of Research and Development.
- Participants discussed Cooperative Federalism and how to successfully implement this approach within Region 7.
- State/Regional LEAN efforts and successes were highlighted and included current national E-enterprise projects of interest.
- States had the opportunity to engage with ORD leadership on opportunities to utilize EPA scientists to address State technical needs.
- A National/Regional SIP update was also provided and included a case study of innovative approaches to air issues in the Argentine area of Kansas City, Kansas.

Last Week's Highlights

Restoration Advisory Board Meeting

Key Message: On July 11, EPA participated in a semi-annual Restoration Advisory Board (RAB) community meeting for the Lake City Army Ammunition Plant (LCAAP) site.

- Other participants included with the US Army, MDNR, Community RAB members, and stakeholders in Independence, MO.
- Three community members attended including the Mayor of Sugar Creek.
- EPA, the Army, and MDNR provided an overview of the LCAAP site and provided information updates on each of the five operable units.
- The community members did not raise any issues and questions focused on groundwater flow and contamination.

Vienna Wells Superfund Site Public Hearing

Key Message: On July 11, 2017, Region 7 conducted a public meeting in Vienna, Missouri to present the proposed plan for the final remedial action for the Vienna Wells NPL Superfund site.

- The public comment period for the proposed plan is from June 22, 2017 through July 22, 2017.
- The meeting was well attended by local residents who indicated general support for EPA's proposed remedy.
- The City of Vienna, owners of the contaminated property and the State of Missouri participated.

Dutchtown South Collaborative Problem Solving project

Key Message: St. Louis community organization is working to reduce waste.

- On July 7, 2017 the EJ Collaborative Problem Solving Cooperative Agreement kicked off with a Green Festival at Dutchtown South Community Corporation.
- Senior Community Champions are mentoring Junior Community Champions on how to recycle and how to measure their recycling and waste diversion from landfills.
- This project includes a partnership between EPA, the Dutchtown South neighborhood of St. Louis, Missouri, the city of St. Louis, and other local organizations.

Action Memo for Suede Masters Site

Key Message: R7 signed an action memorandum for a Time Critical removal action to address approximately 100 containers disposed in Buffalo, Missouri.

- EPA Region 7 plans to conduct this fund-lead removal action this summer.

Five-Year Review for Northwestern States Portland Cement Site

Key Message: On July 7, 2017 EPA Region 7 signed the five year review.

- The five year review concludes that the remedial actions implemented at the site remain protective of human health and the environment.

Weekly Report – July 13, 2017

Region 8

Hot Issues –

Aquifer Exemption Requested by American Gilsonite Company

Key Message: Region 8 is preparing to issue a decision to deny an Aquifer Exemption (AE) requested for a portion of the Bird's Nest Aquifer (BNA) within a 2,820-foot radius of the No. 1 Class V deep disposal well owned by American Gilsonite Corporation (AGC) near Bonanza, Utah. Region 8 is scheduling a conference call with the company and Utah Senator Mike Lee's office to discuss this matter.

- AGC has not provided an adequate technical demonstration that fluids injected into the BNA from mine de-watering would remain within the portion of the aquifer requested to be exempted.
- Without this demonstration, an aquifer exemption would not be adequate to prevent endangerment of adjacent USDWs or to comply with the Safe Drinking Water Act prohibition of fluid movement into a USDW.
- AGC has sent two letters to Utah Senator Mike Lee's office asking for assistance in resolving this issue. As early as next week, we plan to hold a conference call with AGC, its contractor, its legal counsel, and Senator Lee's staff, to update them on the status of our pending decision and continue to discuss options for addressing the technical shortcomings of their AE request.
- AGC mines gilsonite, a mineral that is used in a variety of products including printing inks and paints, oil well drilling muds and cements, and a wide variety of chemical products. Currently AGC discharges mine-dewatering to surface water, but due to continued noncompliance issues with National Pollutant Discharge Permit requirements, AGC is pursuing a Class V well for disposal.
- R8 has been coordinating with OW's Office of Groundwater and Drinking Water.

Upcoming Public Events – None.

Upcoming Major Decisions – None.

Last Week Highlights –

Follow Up to EPA's Denial of UIC Class V Permit for The Lodge at Mount Rushmore

Key Message: After issuing a final permit denial on July 3, 2017, Region 8's UIC program met with Mr. Mark Arend, Winona Inn Limited Partnership owner, to discuss deficiencies in his Class V Permit application to resume operation of his large capacity septic systems serving The Lodge.

- The UIC program's technical expert met with Mr. Arend on July 10, 2017 and provided him recommendations for needed work at the site and additional data needed to meet EPA requirements so that a revised permit application could be submitted and a Class V permit could be drafted for public review and comment. These included removal of contaminated soil from the leach field, collection and analysis of waste water samples by a certified lab, and maintenance and repair work on the septic systems by trained and certified personnel.

Environmental Justice (EJ) Small Grant Awards Offered to Three Applicants

Key Message: Letters notifying Region 8 EJ Small Grant applicants of the results of the review process were mailed on July 7, 2017.

- Region 8 received thirteen applications, which is the largest number of applicants in recent years.
- The Region has offered \$30,000 awards to three applicants contingent on receipt of acceptable work plans.
- Recipients:
 - The Blackfoot Tribe (Browning, MT) – Project: Preventing Aquatic Invasive Species in Blackfoot Waters Through Increased Partnerships and Community Involvement.
 - Taking Neighborhood Health to Heart (Denver, CO) – Project: Building Community Capacity and Improving Indoor Air Quality (focused on radon and indoor air in Northeast Denver).
 - Utah Physicians for a Healthy Environment (Salt Lake City, UT) – Project: The UPHE Lead Safe Children Program (Lead education outreach program focused on low income families in Salt Lake County).
- Formal awards are expected to be made by the end of August 2017.

Weekly Report – July 13, 2017
Region 9

HOT TOPICS: none

EXTERNAL ENGAGEMENT:

- a. California Council for Environmental and Economic Balance (CCEEB): Acting DRA Deborah Jordan and acting Air Director Elizabeth Adams will meet with California business leaders and NGO representatives at CCEEB's Summer Issues Seminar next week. Topics include collaboration among federal and state regulators and regulated industry, transportation infrastructure, air-quality investments, and market-based approaches to environmental improvements. CCEEB represents major energy producers, refineries, utilities and other CA business interests.
- b. Mexican Border: we will host several Congressional staff in our San Diego Border Office July 19th to discuss EPA's Mexican Border water-infrastructure program. Staff of the following offices will attend: Rep. Juan Vargas, Rep. Scott Peters, Rep. Susan Davis, Rep. Duncan Hunter, Rep. Darrell Issa, Sen. Diane Feinstein and Sen. Kamala Harris.

PAST WEEK'S HIGHLIGHTS:

Water infrastructure:

- a. San Francisco: we met with the San Francisco Public Utility Commission executive leadership to discuss our operational issues and our current CWA negotiations to renew the city's wastewater infrastructure. The City is planning to spend \$4 billion on water infrastructure and \$7+ billion on wastewater infrastructure; this is one of two Combined Sewer Operations in our Region (the other is Sacramento; all other R9 wastewater systems collect/treat wastewater separately from stormwater).
- b. No. Marianas Islands: three Commonwealth Utilities Corp (CUC) contract employees working on EPA-funded wastewater upgrades died after breathing hydrogen sulfide gas in a manhole in which they were working. These men were employed by USA Fanter, a company under a CUC contract to install a wastewater lift-station pump. The territorial government is conducting an investigation of this tragic accident; OSHA involvement is unknown. The Consulate is assisting with repatriation of the deceased to their families in the Phillipines.

Title VI (Civil Rights Act):

- a. Arizona closure Letter: Region 9 and OGC have worked closely together and eliminated the backlog of Arizona Title VI cases. This past week, OGC issued a closure letter for complaints filed by Don't Waste Arizona (re South Phoenix) and the United Paperworkers International Union (re CalPortland Cement Rillito Plant). We determined there is insufficient evidence of current noncompliance with Title VI and EPA's implementing regulation. Working with us, ADEQ made substantial revisions to its program, updating its non-discrimination safeguards.
- b. Oakland, CA: we conferred with OGC and DOT regarding the complaint filed by

Oakland community interests regarding the City and Port of Oakland's development of the former Oakland Army Base and adjoining Port of Oakland.

CAA Compliance: we finalized a consent agreement with the General Services Administrations (GSA), which operates one of the largest non-tactical federal vehicle fleets in California. Developed in partnership with the CA Air Resources Board, EPA's settlement will ensure compliance with the CA Truck and Bus Regulation, which requires diesel particulate filters or upgraded 2010 model-year engines. GSA will pay a penalty of \$485,000.

CA CWA Mercury Criteria and New Beneficial Uses: We approved CA's new statewide water quality criteria for mercury in fish tissue. Our action approves five new mercury fish-tissue criteria (for sportfish, tribal subsistence fishing, general subsistence fishing, prey fish, and CA least tern prey fish), and three new human-health beneficial uses (tribal cultural uses, tribal subsistence fishing, and general subsistence fishing). We initiated tribal consultation and received a letter of support from the Karuk Tribe. We initiated ESA consultation with USFWS and NMFS, and expect their concurrences soon.

Workforce Support: Cincinnati OARM director Rick Carter, Las Vegas Shared Service Center director Liz Engebretson and her team met with our senior management team, all supervisors, and hosted career development workshops for staff. As the in-person meetings were extremely productive, we hope to continue this practice each quarter.

Weekly Report – July 13, 2017

Region 10

Hot Issues

Proposed Withdrawal of Proposed Determination for the Bristol Bay Watershed (AK): On July 11th EPA initiated the process to propose to withdraw the 2014 Clean Water Act Section 404 (c) Proposed Determination to restrict the use of certain waters in the Bristol Bay watershed as disposal sites for dredged or fill material associated with mining the Pebble deposit. EPA agreed to initiate this proposed withdrawal process as part of the May 2017 settlement agreement with the Pebble Limited Partnership. EPA will take public comments for 90 days following the publication of the Federal Register Notice and has initiated a concurrent tribal consultation period. Already there is great interest in EPA's proposed withdrawal. The acting Regional Administrator has received more than 100,000 emails (since May 26th) requesting that we not withdraw the proposed determination. We have also already had requests to extend the comment period and to have in-person tribal consultation and meetings in Alaska.

Upcoming Public Events

Federal Register Notice Initiating Public Review of Idaho NPDES Program Application: Region 10 has initiated the public review process for Idaho's application to become an authorized state for the CWA NPDES program. Region 10 has been working with the Idaho Department of Environmental Quality since 2014 on their development of an Idaho Pollutant Discharge Elimination System (IDPES) program. Idaho submitted their program application in September 2016 for EPA approval. EPA is required to public notice the application and hold public hearings prior to a final decision on the application. The Federal Register Notice will be sent in on July 14th, it provides details regarding the public review process. The public comment period for the IPDES application is tentatively scheduled for August 1 through September 30, 2017. Public meetings/hearings have been scheduled for five locations across the State of Idaho. EPA has also invited Idaho tribal governments to consult with EPA on the NPDES program authorization.

Meeting with Canada re: Nooksack Watershed Nutrient Pollution (WA): During the week of July 17th, Members of Region 10's Puget Sound Team will attend a two-day workshop convened by the State of Washington and the Province of British Columbia to collaborate and coordinate on nutrient pollution and other water quality issues in the Nooksack River system.

Upcoming Major Decisions

Approval of Alaska's Infrastructure State Implementation Plan for the Lead NAAQS: Region 10 plans to approve Alaska's State Implementation Plan for the lead NAAQS in mid-July. Whenever a new or revised ambient air quality standard is promulgated, each state must submit a plan for the implementation, maintenance, and enforcement of the standard – commonly referred to as "infrastructure" requirements. In 2012 Alaska submitted its plan to address the lead standard. Due to an issue with Alaska's lead monitoring network, we were unable to move forward with this SIP action for a number of years. We recently resolved the issue by approving

Alaska's request for a waiver from the monitoring requirement. We then proposed to approve the lead infrastructure SIP in May 2017. We received no comments and this SIP is noncontroversial.

Tesoro Alaska Refinery Draft RCRA Permit Renewal and Public Notice: EPA is proposing to renew the RCRA permit for the Tesoro Refinery in Kenai, Alaska. A Public Notice and draft renewed permit will be issued on July 14th, opening a 45-day comment period. This is a non-controversial permit renewal. We have worked closely with the company to reflect current operations and the current status of remediation at the facility. The draft renewed permit updates the requirements for post-closure and corrective action that were contained in the RCRA permit issued to Tesoro in April 2007. The main requirements in the permit are for monitoring and cleanup of the contaminated groundwater plume.

Public Notice of Quinault Tribe's Application for Treatment as State for Water Quality Standards (WA): The Quinault Indian Nation has applied to EPA Region 10 for treatment as a state under the Clean Water Act for the purpose of developing and administering water quality standards. EPA has reviewed the application package and plans to send a letter to Governor Inslee in mid-July requesting comments from the State of Washington on the Tribe's application, consistent with 40 CFR § 131.8(c). To ensure that local governments are informed of the TAS application, Region 10 will also send a copy of the letter to the Governor to the Greys Harbor and Jefferson County Commissioners. EPA will also provide public notice in area newspapers and on Region 10's website.

Last Week Highlights

Region 10 Agriculture Directors' Meeting: On July 13th Region 10 hosted a quarterly Ag Directors call with the acting Regional Administrator and the state agriculture directors from Idaho, Oregon and Washington. Region 10 provided brief updates and each state Ag Director provided updates on agriculture related issues occurring in each state. The Idaho State Department of Agriculture is hosting the Western States Departments of Agriculture meeting in Sun Valley, ID the week of July 24th and is looking forward to Ken Wagner's participation.

Washington State's Clean Water Act Non-Point Source Program Rated Satisfactory: Last week Region 10 made the official determination that the State of Washington's Clean Water Act Section 319 program has made satisfactory progress. Section 319 requires states to report annually on progress under their nonpoint source management program. EPA must then determine that states have made "satisfactory progress" in implementing their programs in order to continue to receive Section 319 grant funds.

Weekly Report – July 13, 2017

Office of International and Tribal Affairs

Hot Issues:

G20 Summit Action on Resource Efficiency and Marine Litter

At this year's G20 Summit, which was hosted by Germany, the G20 Leaders adopted a communique which included consensus agreement on resource efficiency and marine litter. EPA led the U.S. interagency process to draft these elements of the communique, which resulted in agreement to establish the G20 Dialogue on Resource Efficiency and the G20 Action Plan on Marine Litter. The Leaders' communique also reinforced the commitment of all G20 countries to action on the 2030 Agenda for Sustainable Development (Agenda 2030) as well as on increased innovation on sustainable and clean energy, and energy efficiency.

Columbia River Treaty Negotiations

OITA attended an interagency meeting to discuss the status of the Columbia River Treaty negotiations. A bipartisan group of House members have sent a letter to the White House, urging the Administration to begin negotiations with Canada on the Columbia River Treaty. While the U.S. government has completed our formal process and is ready to begin negotiations, we are waiting for the Canadian government to complete their process. The Collaborative Modeling Working Group continues to meet and gather modeling data on river flows to support fish management and assess flood risks. The U.S. is actively engaged with the Columbia Basin Tribes meeting with them once a month, and Canada is also actively engaging their First Nations.

Upcoming Engagements:

July 18 – Meeting at the State Department with the Haida and Tlingit Indian Tribe on transboundary pollution concerns from mines in British Columbia.

July 21 – Tribal consultation meeting with Chief Francis and representatives from the Penobscot Tribe on water quality standards in Maine.

Past Week Highlights:

Kootenai Tribes Meeting: EPA (OITA, OW, OGC, Region 8 and 10) held a meeting with the Chairman of the Kootenai Tribal Council and representatives from Kootenai Tribe of Idaho and Confederated Salish and Kootenai Tribe, and State Department. The tribes requested this meeting to discuss their concerns with increasing levels of selenium and nitrates in the Elk River and Kootenai watershed as a result of open pit coal mining in British Columbia. The tribes have sent letters to Secretary Tillerson and the Canadian Minister of Foreign Affairs, and to the Governor of Montana and Premier of British Columbia.

National Tribal Caucus Monthly Meeting: OITA held its monthly call with the National Tribal Caucus (NTC) and provided an update on the House Appropriations Committee's action on the FY18 budget and next steps EPA will be taking on EO 13777. OW also provided an update on the process concerning the decision to rescind the Waters of the U.S. definition. The NTC requested a meeting with members of the political team who will be attending the Tribal Lands and Environmental Forum next month in Tulsa, and also asked about the status for the annual National Tribal Operations Committee (NTOC) meeting which has yet to be scheduled.

Weekly Report – July 13, 2017

Office of the Chief Financial Officer

Hot Issues

- The Agency 's Government Reform meeting with OMB is scheduled for Monday, July 17th. EPA attendees include Henry Darwin, Byron Brown, Holly Greaves, Mike Flynn, Donna Vizian, Shannon Kenny, and David Bloom. EPA will present and discuss with OMB our draft Strategic Plan framework, Reform Plan Major Proposals, and Near Term Workforce Actions proposals submitted to OMB on June 30.

Upcoming Public Events

- The House Appropriations Full Subcommittee is expected to consider the FY 2018 Interior, Environment and Related Agencies funding bill on July 18. On July 12, the House Subcommittee proposed funding EPA at \$7.5 billion.
- OCFO is waiting for OMB clearance of responses to Questions for the Record from the June 15 House Appropriations Committee hearing. July 18 is the planned date for clearance for transmittal to the Committee, after which the Committee will incorporate into its hearing record and make available to the public.

Upcoming Major Decisions

- OMB issued FY 2019 budget guidance setting EPA's FY 2019 funding level at \$6.022 billion. While it looks like an increase against our FY 2018 President's Budget, it isn't. The FY 2018 Budget included rescissions totaling \$369 million. The rescissions offset our overall budget request so that the total FY 2018 request was \$5.6 billion after factoring in the rescissions. This target assumes we no longer have rescissions totaling \$369 million *so the target is really flat* (Our FY 2018 Budget totals \$6.022 before the rescissions). The guidance also allows agencies to propose additional funding requests of 5% over that funding level (\$300 million for the EPA). The budget and planning discussion at next week's Senior Leadership meeting will help inform decisions that will need to be made for the agency's budget submission due to OMB on September 11.
- Once Policy Team review is completed, the Acting CFO plans to sign the transmittal letter to submit the Animas River Spill (Gold King Mine) report to Congress outlining state, local and tribal reimbursement requests and their status. OLEM prepared the report and it has been approved by OMB. Congress requested this report in the FY 2017 Omnibus Appropriation Act.

Last Week Highlights

- N/A

Other

- Convened OAR, Tribes, OLEM, and OECA conference calls with states and tribes on Draft FY 2018-2019 NPM Guidances, which reflect the FY 2018 President's Budget. Main discussion topic has been how best to support grant work planning for FY 2018. Public comment period has been extended from four to five-weeks through August 4 in response to request from tribes. Final call with OW will be July 20.

Weekly Report – July 13, 2017

Office of Congressional and Intergovernmental Relations

- Upcoming Hot Issues and Important Deadlines

- July 17 – Notification for 12 WIFIA projects selected to move forward; public release July 19
- July 18 – Full House Appropriations Committee Mark-up of FY 2018 Bill
- TBD - Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt

- Upcoming Events

- July 17 – EPA is attending the ECOS STEP meeting. Troy Lyons and Ken Wagner will be participating on a panel discussing Federal and State Cooperation.
- July 18 – EPA is hosting the ECOS-EPA Leadership meeting. The meeting will provide an opportunity to continue the dialogue on Federal – State Cooperation. Other topics include the Superfund program and Waters of the US.
- July 18-20 – The Agency's Senior Leadership Council is meeting to discuss topics leading up to the development of the FY 2019 OMB Budget Submission.
- July 19 - Subcommittee on Water Resources and Environment of the House Transportation & Infrastructure Committee will hold a hearing on "Building a 21st Century Infrastructure for America: Implementation of the Water Resources Reform and Development Act of 2014 and the Water Resources Development Act of 2016."
- Week of July 24- Mayor Aquanetta Warren and her team will be in Washington, DC. OIR is working with Mayor Warren's staff to arrange a time, determine topics for discussion, and confirm EPA staff participation.
- Week of July 24- Commissioner Nick Fish, Bureau of Environmental Services, has requested to meet with Administrator Pruitt during the week of July 24th to discuss the Portland Harbor Superfund Clean-up. If the Administrator is not available, staff from OLEM and Region X will join OIR for the meeting. Jason Minor, Governor Kate Brown's Natural Resources Manager; Kristen Leonard, Port of Oregon's Chief Public Affairs Officer; and, Annie Von Burg, City of Portland, will accompany Commissioner Fish

- Past week accomplishments

- July 10- July 12 – Ken Wagner met with Florida Department of Environmental Protection Secretary Noah Valenstein and Deputy Secretary Drew Bartlett on July 10 to discuss delegation of the CWA Section 404 program, Florida's Human Health Water Quality Criteria revision, and the state-federal relationship.
- July 12 – July 13 - The Lead Region Coordinator held their midterm meeting. Uly Tate Bennett kicked off the meeting with a brief welcome and introduction. Subsequent agenda topics included budget formulation and key milestones,

preparing for quarterly reporting against the 2018-22 Strategic Plan, an IT update, conference planning and best practices, and guest speakers from OCIR, OCFO, OARM, and OEI.

- July 10: OCIR provided information about NAAQS considerations in Victoria County, TX, for Rep. Farenthold.
- July 11 - OCIR held a follow-up call with Rep. Stefanik's staff and a business in their district, New York Air Brake, on remanufactured locomotive air emissions credits.
- July 12- The Senate Environment and Public Works Committee (SEPW) held a markup on the Diesel Emissions Reduction Act (DERA) Reauthorization
- July 12 - EPA met with Mayor Jim Gray and other local officials from Lexington, Kentucky. The topics of discussion at this meeting included WIFIA, Clean Water SRF, and Brownfields.
- July 12 - SEPW Business Meeting: Markup of S. 822-The Brownfields Utilization, Investment and Local Development Act of 2017;
- July 12 – SEPW voted out of committee the nomination of Susan Parker Bodine to become EPA Assistant Administrator for the Office of Enforcement and Compliance Assurance.
- July 12 - 2017 Federal Green Challenge Awards were released.
- July 13 - The Local Government Advisory Committee's Executive Committee met and completed a final review and approval of their final Report on Waters of the U.S. (WOTUS), along with the transmittal letter to the Administrator.
- July 13 - Administrator Pruitt participated in a call with State Attorneys General from around the country to discuss a variety of issues of mutual importance. The National Association of Attorneys General helped organize the call and Arkansas Attorney General Leslie Rutledge helped kick it off and introduce the Administrator.
- Week of July 10- We continue to work to schedule a call with Sen. Blunt's staff and a Missouri business interested in Energy Star programs relevant to small diameter high velocity (heating, ventilation and air conditioning) HVACs

- *Ongoing activities*

- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 37 letters during the previous two weeks. We have received 18 new FOIA's this week.
- OMB asked for comment on S.1460 the *Energy and Natural Resources Act of 2017*. The bill is the successor to Sen. Murkowski and Sen. Cantwell's legislation from the previous Congress. This bill was placed directly on the Senate Calendar for expedited floor consideration. It has 11 titles ranging from energy efficiency to conservation to infrastructure to Native American energy.

Weekly Report – July 13, 2017
Office of Enforcement and Compliance Assurance

Hot Issues

OECA Meeting with ECOS to Enhance the Collaboration with States on Compliance and Enforcement: Senior leadership from OECA (HQ + Regions) and the Environmental Council of the States (ECOS) have launched a joint effort to enhance state and federal collaboration in compliance assurance. As preparation for this collaboration, several OECA HQ and Regional leaders will hear from the ECOS leadership on the evening of July 16th.

Coronet Industries Superfund Site Transfer to the State of Florida: EPA and the Florida Department of Environmental Protection (FDEP) are finalizing several agreements to transfer the Coronet Industries Superfund Site, located in Plant City, Hillsborough County, Florida, from EPA-lead to FDEP-lead. EPA has not listed this site on the National Priorities List (NPL) but considers it to be an NPL-caliber site and has been addressing the Site under the Superfund Alternative Approach. EPA and FDEP agreed to transfer oversight of the cleanup to support state regulatory consistency in the cleanup of phosphate mining sites. To implement the transfer, three agreements are being finalized, including an administrative settlement with PRPs to cover \$1.9M in past costs, and a state cleanup agreement between the PRPs and FDEP that provides for the completion of the remediation at the Site. EPA and FDEP hope to finalize all these agreements by September 2017.

OECA Meeting with Acting Regional Administrators: On July 20th, OECA Senior Leadership will meet with the Acting Regional Administrators to discuss cooperative federalism, the compliance assurance toolbox, and other issues covered at the recent Senior Enforcement Managers Meeting.

Upcoming Public Events

OECA DAA to Meet with American Chemistry Council: On July 19th, OECA's Deputy Assistant Administrator, Patrick Traylor, will be the guest speaker at the American Chemistry Council's Enforcement Group meeting. Patrick has been asked to talk about OECA's priorities and approach to enforcement under the current Administration. The meeting will be closed to the press.

Upcoming Major Decisions

None.

Last Week's Highlights

Coordination with Federal Agencies: On July 12th, the Federal Facilities Enforcement Office met with senior managers from the Department of Defense, Army, Navy, and Air Force to discuss environmental compliance issues and partnering opportunities. This is the first of a series of quarterly meetings to increase collaboration, improve communication, and address federal facility compliance for air, water, waste requirements, and Superfund Federal Facility

Agreements.

Demolition Contractors Sentenced for Knowingly Demolishing National Acme Building in Ohio that Contained Asbestos and Other Offenses: On July 7th, Chris Gattarello and Robert Shaw were sentenced in the N. District of Ohio after Gattarello directed a demolition company to demolish a facility containing asbestos that was located near many homes and a school. The demolition company had submitted a notice stating there was no asbestos at the facility, which the city rejected. Asbestos fibers were released into the environment during demolition. Gattarello was sentenced to 57 months in prison, and was ordered to pay restitution to the city of Cleveland, Superfund, and AIM Business Capital. Shaw was sentenced to 12 months and one day in prison and was ordered to pay restitution to AIM Business Capital. This case was worked jointly between EPA-CID, the FBI, investigators from the Ohio EPA, Special Investigations Unit, and agents from the Ohio Attorney General's Office, Bureau of Criminal Investigation.

Weekly Report – July 13, 2017
Office of Land and Emergency Management

Hot Issues

1. National Priorities List (NPL), package of proposed sites and final sites.
2. CCR State Permit Program Guidance. Approximately 10 -15 states have now expressed interest in developing a permit program.
3. Clean Air Act 112(r) Risk Management Program Rule.
4. Hanford Record of Decision (ROD).
5. Other ongoing major Superfund sites (for example, East Chicago, West Lake, Gold King mine/Bonita Peak, Hudson River).
6. CERCLA-EPCRA AFO-CAFO Rule.

Upcoming Public Events

1. CERCLA 128(a) Funding Allocation Press Release. OLEM is working with OPA on regional press releases highlighting the projects and work being funded by this year's nearly \$47 million funding allocated to CERCLA 128 (a) State and Tribal Response Program.

Upcoming Major Decisions

1. National Priorities List package of proposed and final sites.
2. Hanford ROD. We are working with Region 10 and the AO in preparation for the briefing with the Administrator, targeted for July 26.
3. CERCLA-EPCRA AFO-CAFO Rule. In light of the DC Circuit's actions, we are conferring with OGC on next steps.
4. CERCLA 108(b) Financial Assurance Rulemaking. The comment period ended on July 11, 2017. Pursuant to a judicial order on consent, a notice of EPA's final action will be signed by December 1, 2017.

Last Week Highlights

1. Federal Green Challenge. On July 11, EPA announced the Federal Green Challenge award winners and their achievements from FY2016: Department of Defense, Vermont Army National Guard (Waste Category); The Department of Energy, East Tennessee

Technology Park (Water and Electronics Categories); The Department of Veterans Affairs, Minneapolis Health Care System (Purchasing Category); The Department of Veterans Affairs, Connecticut Health Care System (Energy Category).

2. Clean Air Act 112(r) Risk Management Program Rule. On July 10, 2017, EPA filed a brief opposing the motions for a stay.
3. General Electric Financial Assurance template. We are conferring with the AO regarding this technical assistance requested by state staff.
4. Brownfields Legislation. On July 12, the Senate Environment and Public Works Committee approved by voice vote the Brownfields Utilization, Investment, and Local Development Act of 2017 (S. 822), to reauthorize and improve the Brownfields Program.
5. e-Manifest FACA Meeting. The Federal Register notice announcing the e-Manifest Advisory Board Meeting is scheduled to publish on July 14. The meeting is scheduled for September 26 - 28. We continue to work toward having an operational system in June 2018.
6. NPM Draft Guidance – Conference Call. With thanks to OCFO, on July 13 we outlined the draft 2018-2019 NPM guidance for state reps, in preparation for their comments requested by August 4.

Weekly Report – July 13, 2017
Office of Policy

Documents sent to the Office of the Federal Register July 3 – July 13, 2017		
9964-80-Region 1	Air Plan Approval; Maine; Motor Vehicle Fuel Requirements	7/13/2017
9965-06-Region 9	Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District	7/13/2017
9965-07-Region 9	Approval of California Air Plan Revisions; Sacramento Metropolitan Air Quality Management District	7/13/2017
9965-09-Region 1	Air Plan Approval; ME; Consumer Products Alternative Control Plan	7/13/2017
9965-10-Region 1	Air Plan Approval; ME; Consumer Products Alternative Control Plan	7/13/2017
9964-80-Region 1	Air Plan Approval; Maine; Motor Vehicle Fuel Requirements	7/13/2017
9964-93-Region 4	Air Plan Approval; KY; Revisions to Ambient Air Quality Standards	7/12/2017
9964-95-Region 5	Air Plan Approval; Minnesota; State Board Requirements	7/12/2017
9964-96-Region 5	Air Plan Approval; Minnesota; 2008 Ozone Transport	7/12/2017
9964-97-Region 5	Air Plan Approval; Illinois; NAAQS Updates	7/12/2017
9964-98-Region 5	Air Plan Approval; Illinois; NAAQS Updates	7/12/2017
9965-00-OAR	Public Hearing for Standards for 2018 and Biomass-Based Diesel Volume for 2019 under the Renewable Fuel Standard Program	7/12/2017
9965-01-Region 4	Air Plan Approval; NC; Open Burning and Miscellaneous Revisions	7/12/2017
9965-02-Region 4	Air Plan Approval; NC; Open Burning and Miscellaneous Revisions	7/12/2017
9964-88-OAR	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing;	7/12/2017

	Flame Attenuation Lines	
9964-89-OAR	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines	7/12/2017
9960-41-Region 4	Notice of Issuance and Notice of Rescission of Outer Continental Shelf Air Permits	7/11/2017
9964-54-Region 1	Program Requirement Revisions related to the Public Water System Supervision Programs for the State of Connecticut, the Commonwealth of Massachusetts, the State of New Hampshire, the State of Rhode Island and the State of Vermont	7/11/2017
9964-55-Region 7	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Ellisville Superfund Site	7/11/2017
9964-48-Region 5	Clean Air Act Operating Permit Program; Action on Petition for Objection to State Operating Permit for Waupaca Foundry Plants 2/3	7/11/2017
9964-29-OLEM	Hazardous Waste Electronic Manifest System ("e-Manifest") Advisory Board; Notice of Public Meeting	7/11/2017
9960-62-OARM	ENVIRONMENTAL PROTECTION AGENCY ACQUISITION REGULATION ADMINISTRATIVE AMENDMENTS	7/11/2017
9964-70-OAR	Proposed Approval of the Central Characterization Project's Transuranic Waste Characterization Program at Los Alamos National Laboratory and Elimination of Distinction Between Retrievably-stored and Newly-generated Transuranic Waste Destined for Disposal at the Waste Isolation Pilot Plant	7/11/2017
9964-71-Region 6	Hazardous Waste Management System; Identification and Listing of Hazardous Waste	7/11/2017
9964-79-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Removal of Clean Air Interstate Rule Program Regulations (CAIR) and Reference to CAIR, and Amendments to Continuous Emission Monitor (CEM) Reference	7/11/2017
9964-90-OA	Notice of Charter Renewal	7/11/2017

9962-36-Region 6	Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions	7/10/2017
9962-37-Region 6	Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions	7/10/2017
9962-38-Region 6	Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions	7/10/2017
9962-39-Region 6	Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions	7/10/2017
9962-42-Region 2	Approval and Promulgation of Plans for Designated Facilities; New Jersey; Delegation of Authority	7/10/2017
9963-60-Region 10	Washington: Proposed Authorization of State Hazardous Waste Management Program	7/10/2017
9963-93-Region 8	Public Water System Supervision Program Revision for the State of North Dakota	7/10/2017
9964-00-Region 10	Public Water Supply Supervision Program; Program Revision for the State of Alaska	7/10/2017
9964-20-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Regional Haze State Implementation Plan	7/10/2017
9964-36-Region 4	Address and Agency Name Changes for Region 4 State and Local Agencies; Technical Correction	7/10/2017
9964-52-Region 6	Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan; Revision of Federal Implementation Plan	7/10/2017
9964-68-OEI	Privacy Act of 1974; System of Records	7/10/2017
9964-72-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Utah; General Burning Rule Revisions	7/10/2017
9964-80-Region 1	Air Plan Approval; Maine; Motor Vehicle Fuel Requirements	7/10/2017
9964-81-Region 1	Air Plan Approval; Maine; Decommissioning of Stage II Vapor Recovery Systems	7/10/2017
9964-83-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to Ozone Offset Requirements in Davis and Salt Lake Counties	7/10/2017

9964-84-Region 8	Approval and Promulgation; State of Utah; Salt Lake County and Utah County Nonattainment Area Coarse Particulate Matter State Implementation Plan Revisions to Control Measures for Point Sources	7/10/2017
9964-85-Region 1	Notice of EPA's Action to Postpone the Effective Date of the EPA Region 1 Clean Water Act National Pollutant Discharge Elimination System General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts	7/10/2017
9964-87-Region 2	Approval of Air Quality Implementation Plans; Puerto Rico; Attainment Demonstration for the Arecibo Area for the 2008 Lead National Ambient Air Quality Standards	7/10/2017
9963-05-OCSPP	Labeling Relief; Formaldehyde Emission Standards for Composite Wood Products	7/8/2017
9963-06-OCSPP	Labeling Relief; Formaldehyde Emission Standards for Composite Wood Products	7/8/2017
9964-86-OAR	Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019	7/7/2017
9964-45-Region 5	Air Plan Approval; Ohio; Control of Emissions of Organic Materials That Are Not Regulated by VOC RACT Rules	7/5/2017
9964-46-Region 5	Air Plan Approval; Ohio; Control of Emissions of Organic Materials That Are Not Regulated by VOC RACT Rules	7/5/2017
9964-61-Region 4	Air Plan Approval; Kentucky; Louisville Miscellaneous Rule Revisions	7/5/2017
9964-64-Region 5	Air Plan Approval; Illinois; Emissions Statement Rule Certification for the 2008 Ozone Standard	7/5/2017
9964-65-Region 5	Air Plan Approval; Illinois; Emissions Statement Rule Certification for the 2008 Ozone Standard	7/5/2017
9964-66-Region 4	Air Plan Approval; North Carolina Miscellaneous Rules	7/5/2017
9964-62-Region 5	Air Plan Approval; Minnesota; Prevention of Significant Deterioration	7/3/2017
9964-63-Region 5	Air Plan Approval; Indiana; Redesignation of the Muncie Area to Attainment of the 2008 Lead Standard; Withdrawal of Direct Final Rule	7/3/2017

9964-75-OA	Notification of a Closed Meeting of the Science Advisory Board's 2017 Scientific and Technological Achievement Awards Committee and Closed Meeting of the Science Advisory Board	7/3/2017
9964-24-OCSP	Procedures for Prioritization of Chemicals for Risk Evaluation under Toxic Substances Control Act	7/3/2017
9964-25-OCSP	Guidance to Assist Interested Persons in Developing and Submitting Draft Risk Evaluations Under the Toxic Substances Control Act; Notice of Availability	7/3/2017
9964-38-OCSP	Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act	7/3/2017
9964-12-Region 2	Proposed CERCLA Sections 104, 106, 107, and 122 Bona Fide Prospective Purchaser Settlement for Removal Action for the Alfred Heller Heat Treating Superfund Site, City of Clifton, Passaic County, New Jersey	7/3/2017
9962-15-OCSP	Flonicamid; Pesticide Tolerances	7/3/2017
9962-97-OCSP	Prosulfuron; Pesticide Tolerances	7/3/2017
9962-98-OCSP	Certain New Chemicals; Receipt and Status Information for April 2017	7/3/2017
9963-16-OCSP	Lambda-Cyhalothrin; Receipt of Applications for Emergency Exemption, Solicitation of Public Comment	7/3/2017
9963-57-OCSP	Scopes of the Risk Evaluations to be Conducted for the First Ten Chemical Substances under the Toxic Substances Control Act; Notice of Availability	7/3/2017
9963-31-OCSP	Access to Confidential Business Information by Syracuse Research Corporation and its identified Subcontractors	7/3/2017
9963-59-OCSP	Receipt of Information Under the Toxic Substances Control Act	7/3/2017

Weekly Report – July 13, 2017
Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

Determination Type	Pending on 7/3/2017	Pending on 7/11/2017	Determinations Completed* as of 7/3/2017	Determinations Completed* as of 7/11/2017	Determinations Posted on the Website as of 7/11/17
# of "not likely" determinations	3	3	88****	89	89****
# of §5(e) Orders signed by both EPA and the submitter	-	-	217	219	215
# of §5(e) Orders signed by EPA and awaiting submitter signature	57	63	-	-	-
# of cases in Order development process	251***	245****	-	-	-
# of cases flagged for in-depth review	81	81	-	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	27	24	-	-	-
# of LVE/LOREX exemption grants	-	-	397	401	401*****
# of LVE/LOREX exemption denials	-	-	99	99	89*****
Total number of cases	419**	416**	801	808	-
Backlog	119	116	-	-	-

* “Determinations Completed” means that EPA has completed its reviews on these cases and

that final determinations have been made by EPA under TSCA section 5(a)(3).

** Of these cases, approximately 300 cases are the normal active workload for the New Chemicals Program.

*** Of these cases, approximately 94 are lung toxicity cases that are suspended while EPA conducts its evaluation of these types of effects.

**** "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made. This edition only includes cases for which a final determination has been made.

***** Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted." These have now been standardized.

HOT ISSUES

Reports of Crop Damage from Use of the Pesticide Dicamba

In late 2016, EPA registered the herbicide dicamba for use on dicamba-tolerant cotton and soybeans. Monsanto, BASF, and DuPont have dicamba pesticide products. Since June 2017, the EPA has been receiving reports that there have been a high number of crop damage incidents involving dicamba in the 2017 growing season. The number of complaints is especially high in Arkansas, Missouri, Mississippi and Tennessee. Incidents have also recently been reported in several other states, including those in the north. OPP has met with Monsanto and BASF to discuss the reported damage and will continue to have discussions as more details become available. On July 13, OPP held a teleconference with state agriculture experts from AR, GA, IN, MO, MS, NE and TN to discuss and gather information on the scope and source(s) of damage, participation of growers in training programs prior to application, and to identify measures that could be used to prevent damage. OPP is working with OECA as the investigation of these reports continues.

LAST WEEK HIGHLIGHTS

Formaldehyde Labeling Direct Final Rule

On July 11, OCSPP issued a direct final rule to amend the formaldehyde rule to allow early labeling of compliant composite wood products. This will reduce the unnecessary burden for panel producers, fabricators, distributors and retailers who want to roll out compliant inventory prior to the rule's compliance date. OCSPP plans to issue another direct final rule to update several voluntary consensus standards referenced in the formaldehyde rule in the near future.

Weekly Report – July 13, 2017
Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- Proposed Rules under review at OMB:
 - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
 - Review of the Clean Power Plan

Upcoming Meetings, Public Events, or Other Public Releases

- VW Emissions recall approved – As soon as July 17, EPA and the California Air Resources Board (CARB) will approve an emissions modification proposed by Volkswagen (VW) that will reduce NOx emissions from diesel Jetta, Golf, Beetle, and Audi A3 vehicles for model years 2009-2014. With the approval, VW will offer owners of these vehicles the choice to keep and fix their car, or to have it bought back.
- Air Quality Trends through 2016: As early as next Friday, July 21, we plan to post on-line an update to the trends report to reflect air quality monitoring data through 2016. This annual report presents the trends in the nation's air quality and can be found at <https://www.epa.gov/air-trends>.
- Renewable Fuel Standard (RFS) public hearing: We will be holding a public hearing on August 1, 2017 for the proposed 2018 RFS standards. The hearing will be here in D.C.
- 2017 Targeted Air Shed Grant Program: OAR is initiating the process for announcing the availability of funds and soliciting applications from eligible entities to compete for financial assistance through the Targeted Air Shed Grant Program. [Background: This program assists local, state and/or tribal air pollution control agencies in developing plans, conducting demonstrations, and implementing projects to reduce air pollution in nonattainment areas that EPA determines are the top five most polluted areas relative to ozone, annual average fine particulate matter (PM_{2.5}), or 24-hour PM_{2.5} National Ambient Air Quality Standards (NAAQS). The overall goal of the Targeted Air Shed Grant program is to reduce air pollution in the Nation's areas with the highest levels of ozone and PM_{2.5} ambient air concentrations].

Upcoming Decisions

- For Administrator's Signature – Off-Site Waste and Recovery Operations (OSWRO): Per a settlement agreement, we have a July 20th deadline for signature date on proposed amendments to the monitoring requirements on pressure relief devices (PRDs) on containers found at OSWROs. (OSWROs are major sources that receive certain wastes, used oil, and used solvents from off-site locations for storage, treatment, recovery, or disposal). The package is with OP for review.
- For Administrator's Signature – Title V Petition Response for Alon: We have a July 31st deadline for signature on a response to a request that EPA object to a title V operating permit issued to the Alon USA-Bakersfield Refinery (located in California). The package will be to the Administrator's office next week for review.

- For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR): This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- For Administrator's Signature – Procedure 6 Technical Amendments: This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant: This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.
- For Administrator's Signature – Revisions to Procedure 2 – Quality Assurance Requirements for Particulate Matter (PM) Continuous Emission Monitoring Systems (CEMS) at Stationary Sources: This rule finalizes the changes to Procedure 2 - related to PM CEMs - that were proposed on November 21, 2016, and responds to the adverse comment received in response to the proposal and direct final rule. Industry has asked for the revisions to this rule. The package is with OP for review.
- For Acting Assistant Administrator Signature: Comment period extension for 40 CFR 192 proposed rulemaking: In January 2017, EPA published a proposed rulemaking entitled "Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings." Comments on this proposal were requested on or before July 18, 2017. Based on a request signed by several entities, I plan to sign a notice extending the comment period for an additional 90 days.
- For Administrator's Signature – Proposed Rule to Approve Request from Louisiana to Relax the Summer Gasoline Volatility Standards for Certain Areas in the State: This proposal, when finalized, will approve the State of Louisiana's request to relax the Federal Reid Vapor Pressure (RVP) gasoline standard from 7.8 pounds per square inch (psi) to 9.0 psi for 11 Louisiana parishes that currently meet the ozone National Ambient Air Quality Standards (NAAQS). This package will be with OP by the end of the week.

Recap of the Past Week

- Actions signed or expected to be signed this week:
 - We have a deadline of tomorrow (July 14th) to sign the proposed rule, "Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen."
 - Declaration in a Fine Particulate Matter (PM_{2.5}) State Implementation Plan (SIP) Deadline Case
- Voluntary Early Retirement Authority and Voluntary Separation Incentive

Payment (VERA/VISP) opportunities: This week I updated all OAR employees that the Office of Management and Budget (OMB) approved our request to offer VERA/VSIP opportunities to a limited number of EPA employees. I also emailed the OAR employees whose position is in the VERA/VSIP pool to let them know they are eligible and provided them with a letter with more specifics on the process and timing.

- Call with the States on the National Program Manager Guidance for FY2018 and 2019: On Tuesday I participated in a call with states to discuss OAR's draft National Program Manager Guidance for FY2018 and 2019 which has been posted for review and comment. The call was organized by the EPA-ECOS Performance and Partnership Workgroup and hosted by co-chairs Kathy Sedlak O'Brien from OCFO and Gary Baughman from Colorado. Elizabeth Adams from Region 9 (OAR's lead region) joined me in providing an overview of how the draft guidance was developed and some key highlights. We had robust participation from states from across the country as well as ECOS, NACAA, and AAPCA. We received a few comments from states on the call and anticipate additional written comments once the comment period closes on July 28. We will publish a response to comments when the guidance is finalized in late August.
- Oil and Gas Public Hearing: On Monday, OAR held a public hearing on the Agency's proposed 3-month and 2-year stays for the Oil and Gas New Source Performance Standards. There were 119 speakers who spoke and 52 observers at the hearing.

Weekly Report – July 13, 2017

Office of Water

Hot Issues

WIFIA Project Selection Announcement: On Wednesday, July 19, EPA will announce the names of the 12 prospective borrowers and projects selected to apply for WIFIA loans in its inaugural selection round. The WIFIA program has already reached out to all 12 to notify them verbally of their selection and will provide a formal written notification on Monday, July 17. The public announcement will include press pitches at a national level and local level, a press release, social media, website updates, and congressional and stakeholder notifications.

Waters of the U.S.: We are working to resolve a remaining issue with the Office of the Federal Register regarding the formatting of the 1986 rule which differs from the current formatting standards. Acting General Counsel Kevin Minoli is signing a letter to the Office of the Federal Register explaining the need to retain the old format. We are hopeful this letter will result in Federal Register publication of the step 1 rule shortly. While senior leaders reach out to their counter-parts at other federal agencies to begin early discussions on the step 2 proposal, staff are summarizing the federalism and tribal consultation letters, continuing to meet with individual tribes as requested, and are developing analyses to inform options for the step 2 rule. We look forward to briefing you in early August on options.

Upcoming Public Events

Meeting with the Penobscot Nation: Next week, Sara, Lee, and I, along with Region 1, are scheduled to meet with the Chief of the Penobscot Nation, Kirk Francis, and representatives for the tribe to discuss the status of two petitions, one from the Maine Governor and the other from three dischargers in Maine, sent to EPA requesting that the agency reconsider its 2015 disapproval of Maine water quality standards and subsequent promulgation of federal water quality standards.

Last Week Highlights

Bristol Bay: This week, EPA released its proposal to withdraw its July 2014 Clean Water Act Section 404 (c) Proposed Determination to restrict the use of certain waters in the Bristol Bay watershed as disposal sites for dredged or fill material associated with mining the Pebble deposit (<https://www.epa.gov/bristolbay>). EPA will take public comments on its withdrawal proposal for 90 days following its publication in the Federal Register. This action fully satisfies the requirement in EPA's May 2017 settlement agreement with PLP to "initiate a process to propose to withdraw the Proposed Determination" by July 11, 2017.

Asset Management Assistance Document: This week, OW published the interactive document "*Successfully Protecting Your Investment in Drinking Water Infrastructure: Best Practices from Communities & Local Experts*". The document highlights some of the benefits of sound planning and maintenance of infrastructure through asset management and is responsive to recommendations from the GAO report, "*Water Infrastructure: EPA and USDA Are Helping Small Water Utilities with Asset Management; Opportunities Exist to Better Track Results*," published in January 2016.

Weekly Report – July 13, 2017

Office of Research and Development

Administrator,

This week I traveled to Oklahoma City to participate in the Environmental Research Institute of the States (ERIS) board meeting. The first day, the ERIS board conducted their meeting in ORD's Ada lab, where they learned about ORD's applied research and took a tour of the lab. On the second day, the ERIS board met at OK DEQ, where Ken Wagner was in attendance as well. This engagement is vital to cooperative federalism and has set up many opportunities that the group will explore as they move forward. During the meeting, ORD presented briefings on PFAS and our organization.

Hot Issues

Technical Support to Region 1 on Superfund Site with Perfluorinated Compounds

At the request of Region 1, ORD will provide technical support for a U.S. Navy sampling event at the Defense Fuel Support Point (DFSP) of the [Newport Naval Education & Training Center Superfund Site](#) in Portsmouth, RI, July 16-22. ORD will collect soil samples to be analyzed for PFAS. The purpose of the sampling is to collect more complete measurements of PFAS at this site, evaluate analytical methods in the soil matrix, compare EPA data to contract lab data, and evaluate variability in sample mixing and spatial variability at the site. The DFSP was used for petroleum fuel storage and distribution by the Navy and has PCB, heavy metals, and petroleum hydrocarbon contamination in the soil, groundwater, and surface water.

Chloroprene Emissions from the Denka Performance Elastomers (DPE)

On July 12, ORD's John Vandenberg participated in a meeting with the State of Louisiana Department of Environmental Quality, St John the Baptist council and school board members, Louisiana Department of Health Services, EPA Region 6, and others to discuss air monitoring and other activities related to chloroprene emissions from the Denka Performance Elastomers (DPE) facility located in LaPlace, LA. A Request for Correction (RFC) under the Information Quality Act was submitted by DPE. The RFC asserts that the chloroprene IRIS assessment, completed in 2010, should be withdrawn and updated. EPA is evaluating this request. The DPE facility emissions of chloroprene, a chemical used to make neoprene used in soft plastic materials such as rubber seals and wetsuits, were estimated by OAR's National Air Toxics Assessment to produce high health risks. Ambient monitoring data collected over the last year has demonstrated high concentrations in the nearby community including at an elementary school, high school, hospital and residences. The purpose of this meeting is to inform community leaders of the State and Federal activities related to DPE.

Upcoming Public Events

Prebrief on NAS National Research Council (NRC) report on "Unraveling Low Dose Toxicity: Case Studies of Systematic Review of Evidence"

On July 17th at 2pm, NRC will meet with EPA leadership from ORD, OCSPP, OLEM, OW, OAR, NCEE/OP, and OCHP to brief EPA on the Low Dose report to be released later this month. This committee was tasked with developing a strategy for evaluating evidence of low-dose adverse human effects that act through an endocrine-mediated pathway. This has been a

controversial topic with implications for how the safety of chemicals are evaluated. The results of the committee's evaluation of low-dose toxicity will inform EPA on the adequacy of its current regulatory toxicity-testing practices. The report will be made public at 2pm on July 18th.

2017 ECOS State Environmental Protection (STEP) Meeting

On July 17, ORD leadership will participate in the 2017 ECOS State Environmental Protection (STEP) Meeting—*Reframing Our Environmental Future*—in Washington, DC. Discussions will focus on ECOS' Cooperative Federalism 2.0 paper, released in June of this year. This paper will provide a common point of discussion and consideration. There will be a session on the role of science, research and technology. Roundtable discussion leaders will be Richard Counihan of Nest Labs, Paul Gilman of Covanta as well as former AA ORD and EPA Science Advisor, and David Paylor, ERIS President and VA DEQ Director.

PFAS Analysis presentation to New Hampshire Department of Environmental Services

On July 18th, ORD will give a presentation at the New Hampshire Department of Environmental Services (NH DES) in Concord. The presentation will cover the details of PFAS analysis in water samples. NHDES coordinated with ORD to schedule the presentation after their recent request for PFAS analytical expertise and support from ORD.

Children's Health Protection Advisory Committee Meeting

On July 19 ORD will present at the Children's Health Protection Advisory Committee (CHPAC) meeting in Washington, D.C. The presentation will provide an overview of the NIEHS/EPA Children's Environmental Health and Disease Prevention Research Centers (CEHCs) program and the CEHC impact report that is currently being finalized. The impact report synthesizes the research the CEHCs have conducted in their 17-year history, the effect their communication outreach has had on communities, and how the CEHCs have collectively pushed the boundaries in the field of children's environmental health. Additionally, the CHPAC has coordinated a workgroup to review the impact report and provide feedback and suggested changes for the final report. The report is scheduled to be completed by October 2017.

Last Week Highlights

Last week several ORD staff members participated in the Tools of the Trade Session at the National Environmental Health Association (NEHA) annual meeting in Grand Rapids, MI. Four EPA tools were featured along with several tools from CDC and a few states. Not many of the participants were familiar with the Chemistry Dashboard, the Air Sensor Toolkit, EnviroAtlas or C-FERST, so about 50 boots-on-the-ground local public health officials from across the U.S. now know about these tools.

Weekly Report – July 13, 2017

Office of Administration and Resource Management

Hot Issues

VERA/VSIP Update

The EPA's Voluntary Separation Incentive Payment and Voluntary Early Retirement Authority business case was approved by both U.S. Office of Management & Budget and Office of Personnel Management on July 10, 2017. Beginning July 13, 2017, program and regional office are notifying individuals whose positions were included in the eligibility pool. Applications must be submitted using an on-line application process by July 26, 2017. Employees who participate must depart the agency by September 2, 2017.

Next Steps: OARM continues to provide webinars on VERA/VSIP and retirement counseling to interested employees. In addition, OARM has established a dedicated webpage with helpful information at <http://intranet.epa.gov/policy/buyouts/>.

Proposed Debarment (Omega Protein Corp.)

On July 6, 2017, the EPA Suspension and Debarment Official issued notices of proposed debarment to Omega Protein Corporation and two of its affiliates/subsidiaries, Omega Protein, Inc. and Omega Shipyard, Inc. Omega Protein Corp. is a publicly traded nutritional products company operating through two industry segments: animal nutrition and human nutrition. The proposed debarment was issued based on Omega Protein, Inc.'s conviction in the U.S. District Court for the Western District of Louisiana for two counts of violating the Clean Water Act. Omega Protein, Inc. was sentenced to three years of probation, a \$1,000,000 fine and \$200,000 in community service to the Louisiana State Police. The conduct that led to the January 2017 criminal conviction also constituted a violation of the terms of supervised release/probation stemming from an earlier 2013 Clean Water Act conviction of Omega Protein, Inc.

Duke University Investigation

The university has been the subject of an ongoing federal whistleblower lawsuit claiming the university willfully and knowingly used fraudulent data in order to maintain federal funding. The data was generated during work [admittedly] performed by a university employee under an EPA grant, along with several awards issued by the National Institutes of Health.

The National Institutes of Health and the EPA Office of the Inspector General in collaboration with the Department of Justice are conducting this investigation.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week's Highlights

None

Weekly Report – July 13, 2017

Office of Environmental Information

Upcoming Public Events

EPA's Smart City Air Challenge Webinar Series – big data in communities!

- Brief description: On July 18 OEI is holding a webinar, "EPA Smart City Air Challenge: The Winners." The two winners of the EPA Smart City Air Challenge will discuss their efforts to deploy air quality sensors in their communities. The agenda includes topics such as progress, challenges, community engagement, data management, and next steps. The goal of the webinar is to share ideas and lessons learned with other communities that are interested in deploying networks of air quality sensors.
- Who benefits or cares: EPA and the general public.
- Why this is important: There is significant interest in deploying local air quality measurement networks, but many challenges in determining how to best collect, manage, and share data.
- Additional information:
 - Local governments partnered with sensor manufacturers, data management companies, and others to create strategies for collecting and using air quality data and compete for grants. EPA awarded \$40,000 each to two communities: Baltimore, Maryland, and Lafayette, Louisiana. The awards were based on their strategies, including their plans to share their data management methods so others can benefit.
 - [Register for the webinar today.](#)
 - [Learn more about the Smart City Air Challenge.](#)

Last Week's Highlights

Updated Procedure for Responding to Breaches of Personally Identifiable Information

- Brief description: OEI updated the U.S. Environmental Protection Agency (EPA) Procedure for Responding to Breaches of Personally Identifiable Information (PII) in response to the Office of Management and Budget (OMB) [Memorandum 17-12](#) requiring federal agencies to update their agency's breach response plan and provide it to OMB within 180 days of the issuance of the memo (July 2, 2017).
- Who benefits or cares: All agency employees
- Why this is important: OMB Memorandum 17-12 reflects certain changes to laws, policies and best practices that have emerged since OMB first required agencies to develop plans to respond to a breach. The updates are in accordance with the Federal Information Security Modernization Act of 2014 (FISMA) and implements recommendations included in [OMB Memorandum 16-04](#).
- Additional information: The revision incorporated the updates of OMB's existing breach notification policies and guidelines into the agency's procedure. The changes include, but are not limited to:
 - Establishing a Training and Awareness program for responding to a breach.
 - Ensuring that breach clauses are included in contracts when a contractor collects

or maintains federal information.

- Identifying logistical and technical support to respond to breaches.
- Assessing the risk of harm to potentially affected individuals.
- Considering the intent (intentional or unintentional) when evaluating a breach.
- Evaluating the sensitivity of each data element.
- Tracking and documenting the response to a breach.
- Identifying lessons learned.
- Holding a tabletop exercise to test the breach response plan.
- Reporting the number of breaches and affected individuals annually under FISMA.

Weekly Report – July 13, 2017
Office of General Counsel

Hot Issues

- OGC has conducted a review of pending judicial challenges to stays or delays in light of the *Clean Air Council* case. After briefing the Administrator on Thursday, we will be reaching out to client offices to discuss the current status and options. The goal is to return to brief the Administrator in about one week with recommendations for each matter in litigation.
- OGC is partnering with OAR and the AO on a forthcoming FR notice regarding ozone designations.

New Judicial Decisions

- The 7th Circuit issued a decision granting EPA's motion to transfer Southern Illinois Power Cooperative's petition of the Round 2 SO₂ Air Quality Designations Rule to the D.C. Circuit. The Court held that the Round 2 SO₂ Designations are "nationally applicable" and therefore venue is exclusively in the D.C. Circuit.
- On July 7th, the DC Circuit issued its decision in *API v. EPA*, No. 09-1038, which concerns the 2015 rule regarding the definition of solid waste under RCRA. That rule addresses whether a material has been discarded in the context of recycling. The decision largely upheld the rule, but partially vacated it with respect to (1) one criterion in the determination of whether recycling is legitimate and (2) the verified recycler exclusion, which allowed generators to send their secondary materials to certain reclaimers. EPA has until August 21 to request rehearing.

New Complaints Filed

- Three new FOIA cases:
 - Litigation concerning a FOIA request, which asked for records related to the "revised water quality criteria for cadmium, docket EPA-HQ-OW-2015-0753." EPA responded to this request and Plaintiff challenged the redactions by administrative appeal. OGC determined that some documents were improperly withheld and remanded the FOIA to the Office of Water, which released additional documents. Plaintiff now challenges the remaining withholdings.
 - Litigation concerning two FOIA requests. The first request sought calendar entries and call logs for Administrator, John Reeder, Mike Flynn and any political appointee. The second request sought communications between Administrator office political appointee or SES level and Carl Icahn, Icahn Enterprises, CVR Energy, or Valero Energy.
 - Litigation concerning a FOIA request seeking policy or guidance for removing information or web pages from an EPA website and all records from January 20, 2017 through the present instructing OPA staff to remove information or

webpages from any EPA website. NRDC refused to clarify after the program sought clarification of the request.

Other Highlights from Last Week

None to report

Upcoming Public Events & Important Meetings in the Next Two Weeks

- Tuesday, July 18 – ECOS-EPA Leadership Meeting
- Tuesday, July 18 through Thursday, July 20 – Senior Leadership Council Meeting
- The Department of Justice has invited representatives from EPA, DOI, and the Army Corps of Engineers to a meeting the week of July 24th to discuss a draft motion prepared by the South Florida Water Management District to vacate the 1992 Everglades consent decree. Historically, the agency has been an active participant in this litigation, but has not been the lead federal agency.
- General Counsel is out of the office from July 24 through August 1.

Upcoming Major Deadlines in the Next Two Weeks

- 07/14 EPA's Answer in *CBD v. Pruitt*, a deadline suit brought by environmental group to make determinations of attainment by the attainment deadline for the Philadelphia and Washington DC 2008 ozone NAAQS nonattainment areas, is due
- 07/14 In *EIP, et al. v. Pruitt*, a CAA Title V deadline suit alleging failure to respond to petition to object to Title V Petition, the EPA must file its Response to Motion for Summary Judgement
- 07/14 EPA must sign a notice of proposed rulemaking in review of primary NOx NAAQS in *Center for Biological Diversity et al. v. EPA*, a deadline suit for failure to timely review; revise and promulgate the Air Quality Criteria for Sulfur Oxides and the NAAQS for Sulfur Dioxide and Nitrogen Oxides as may be appropriate
- 07/14 EPA's Answer to the Complaint is due in *Pesticide Action Network of North America v. EPA*, a FOIA litigation arising from two FOIA requests from Pesticide Action Network of North America (PANNA) related to the chemical chlorpyrifos
- 07/15 Response brief is due in *U.S. Steel Corp. v. EPA*, a petition for review challenging the revised taconite FIP
- 07/15 EPA's Answer to the Complaint is due in *Board of Commissioners of Clermont County, Ohio v. EPA*, a FOIA litigation concerning the CECOS hazardous waste site in Clermont County, Ohio
- 07/17 Opposition to the State of Arizona's Petition for Certiorari in *Bahr, et al. v. EPA*
- 07/17 EPA must file a motion to stay the issuance of a mandate in *Waterkeeper Alliance v. EPA*
- 07/17 EPA's appellate brief is due appealing a district court order that EPA had mandatory

duty to act on constructive submission of no WV TMDLs for biologically-impaired streams in *OVEC v. Pruitt*

- 07/17 EPA to file motion to dismiss district court lawsuit on jurisdictional grounds in *Blue Water Baltimore, et al. v. Pruitt*
- 07/19 EPA's Answer is due in *Sierra Club v. EPA*, a case alleging that the Agency failed to grant or deny a petition seeking an objection by EPA to the Title V Operating Permit renewal for the Tennessee Valley Authority's Gallatin Fossil Plant
- 07/19 Parties to file briefs addressing the effect of EPA approval or disapproval of Montana's 2017 revised variance on pending case in *Upper Missouri Waterkeeper v. EPA*
- 07/20 Motions to govern further proceedings is due in *Truck Trailer Manufacturers Ass'n v. EPA*, a petition for review of EPA's final rule "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2"
- 07/20 Deadline to sign a proposed rule per a settlement agreement in *American Chemistry Council v. EPA*, a petition for review of EPA's final rule entitled "National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery Operations"
- 07/20 Reply brief is due in *Southern California Alliance of POTWs v. EPA*, a challenge by POTW groups to use in NPDES permitting of statistical approach known as the Test of Significant Toxicity (TST) for assessing whole effluent toxicity (WET)
- 07/20 All parties in *Center for Regulatory Reasonableness, et al. v. EPA*, a case consisting of consolidated challenges to EPA's NPDES General Permit for small Municipal Separate Sewer Systems (MS4s) in Massachusetts, must file Motions to Govern
- 07/21 Answer is due in *State of Connecticut v. EPA*, where EPA allegedly failed to grant or deny a section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania
- 07/21 The Government's reply in support of its Motion to Dismiss is due in *Public Citizen v. Trump, et al.*
- 07/21 EPA's Dispositive Motion is due July 21 in FOIA litigation pertaining to the Agency's alleged failure to respond to a FOIA request for certain records relating to the use and approval of a messaging application called "Signal" from July 2014 to the present
- 07/21 Meet-and-confer status report is due by July 21 in FOIA litigation pertaining to a request submitted by American Oversight on March 15, 2016 that sought records identifying and providing ethics forms and resumes for: political appointees since January 20, 2017, the beachhead and landing teams, and career employees on detail into a "leadership office or component front office"
- 07/21 EPA's response brief is due in *Environmental Integrity Project v. EPA*, a case where the State of North Dakota appealed the district court's decision to deny the State's intervention request and challenge to consent decree entered in December 2016
- 07/24 Motions to Govern are due in *State of Texas, et al. v. EPA*, a petition for review of EPA's final rule titled "Protection of Visibility: Amendments to Requirements for State

Plans”

- 07/24 EPA’s supplemental response brief on remedy is due in *State of North Carolina v. McCarthy* (note EPA is not planning to file a substantive response)
- 07/25 Motions to Govern Further Proceedings are due in *API v. EPA*, a challenge to EPA’s Indian Country Oil & Natural Gas FIP
- 07/26 Oral Argument is scheduled in *State of Texas, et al. v. EPA*, a case involving state and industry (Luminant) challenges to SO₂ designations for four Texas areas under the 2010 SO₂ national ambient air quality standards, which supplemented the Round 2 SO₂ designations final rule
- 07/26 Motion to Govern Further Proceedings is due in *ARIPPA v. EPA*, a Petition for review of Mercury Air Toxics Standards: Technical Corrections
- 07/27 Oral Argument is scheduled in *State of Wyoming et al. v. Dep’t. of Interior*, an appeal of a district court decision striking down BLM’s hydraulic fracturing rule based on an exclusion in SDWA exclusion
- 07/27 Hearing on EPA’s Motion to Dismiss is scheduled in *Southern California Alliance of POTWs v. EPA*, a challenge by POTW groups to use in NPDES permitting of statistical approach known as the Test of Significant Toxicity (TST) for assessing whole effluent toxicity (WET)
- 07/28 Motion to Govern Further Proceedings is due in *Biogenic CO₂ Coalition v. EPA*, a challenge to endangerment finding for GHG from aircraft
- 07/28 EPA’s Opposition to Plaintiffs’ Motion for Summary Judgment and Cross-Motion for Summary Judgment is due in *Clean Water Action, et al. v. EPA*, a challenge to EPA’s postponement of certain compliance deadlines in steam electric rule pursuant to APA section 705
- 0728 Brief of the US due in response to challenges of 6th Circuit's decision that it has exclusive jurisdiction over the Clean Water Rule litigation under Section 509 of the CWA in *National Association of Manufacturers v. Department of Defense et al.*